

## CCRB INVESTIGATIVE RECOMMENDATION

|   |  |                           |  |   |                                 |
|---|--|---------------------------|--|---|---------------------------------|
| Investigator:<br>Max Baird                        | Team:<br>Squad #8  | CCRB Case #:<br>201604969 | <input type="checkbox"/> Force                         | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.   |
|   |  |                           | <input checked="" type="checkbox"/> Abuse              | <input type="checkbox"/> O.L.                 | <input type="checkbox"/> Injury |
| Incident Date(s)<br>Wednesday, 06/08/2016 6:08 PM | Location of Incident:<br>Outside 84 E. 161st St., and the 44th Precinct stationhouse | Precinct:<br>44           | 18 Mo. SOL<br>12/8/2017                                | EO SOL<br>12/8/2017                           |                                 |
| Date/Time CV Reported<br>Thu, 06/09/2016 12:02 PM | CV Reported At:<br>CCRB  | How CV Reported:<br>Phone | Date/Time Received at CCRB<br>Thu, 06/09/2016 12:02 PM |   |                                 |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
|                    |      |              |
|                    |      |              |

| Witness(es) | Home Address |
|-------------|--------------|
|             |              |

| Subject Officer(s)         | Shield | TaxID  | Command |
|----------------------------|--------|--------|---------|
| 1. POM Salahadine Mitchell | 19104  | 921071 | 044 PCT |
| 2. LT Paul Gaglio          | 00000  | 900141 | 044 PCT |

| Witness Officer(s)    | Shield No | Tax No | Cmd Name |
|-----------------------|-----------|--------|----------|
| 1. POM Cameron Foster | 16887     | 919060 | 044 PCT  |

| Officer(s)                | Allegation   | Investigator Recommendation |
|---------------------------|--|-----------------------------|
| A.POM Salahadine Mitchell | Discourtesy: At 161st Street and Gerard Avenue, Police Officer Salahadine Mitchell spoke discourteously to § 87(2)(b)          |                             |
| B.POM Salahadine Mitchell | Discourtesy: At 161st Street and Gerard Avenue, Police Officer Salahadine Mitchell spoke discourteously to § 87(2)(b)          |                             |
| C.POM Salahadine Mitchell | Discourtesy: At 161st Street and Gerard Avenue, Police Officer Salahadine Mitchell spoke discourteously to § 87(2)(b)          |                             |
| D.POM Salahadine Mitchell | Abuse: At 161st Street and Gerard Avenue, Police Officer Salahadine Mitchell threatened to arrest § 87(2)(b)                   |                             |
| E.POM Salahadine Mitchell | Abuse: At 161st Street and Gerard Avenue, Police Officer Salahadine Mitchell threatened to arrest § 87(2)(b)                   |                             |
| F.POM Salahadine Mitchell | Discourtesy: En route to the 44th Precinct stationhouse, Police Officer Salahadine Mitchell spoke discourteously to § 87(2)(b) |                             |
| G.POM Salahadine Mitchell | Discourtesy: En route to the 44th Precinct stationhouse, Police Officer Salahadine Mitchell spoke discourteously to § 87(2)(b) |                             |
| H.POM Salahadine Mitchell | Discourtesy: En route to the 44th Precinct stationhouse, Police Officer Salahadine Mitchell spoke discourteously to § 87(2)(b) |                             |
| I.POM Salahadine Mitchell | Discourtesy: En route to the 44th Precinct stationhouse, Police Officer Salahadine Mitchell spoke discourteously to § 87(2)(b) |                             |

| Officer(s)                | Allegation  | Investigator Recommendation |
|---------------------------|---|-----------------------------|
| J.LT Paul Gaglio          | Discourtesy: At the 44th Precinct stationhouse, Lieutenant Paul Gaglio spoke discourteously to § 87(2)(b)             |                             |
| K.POM Salahadine Mitchell | Discourtesy: At the 44th Precinct stationhouse, Police Officer Salahadine Mitchell spoke discourteously to § 87(2)(b) |                             |

## Case Summary

On June 8<sup>th</sup>, 2016, at around 6:08 PM, on the southeast corner of 161<sup>st</sup> Street and Gerard Avenue in the Bronx, § 87(2)(b) a tow truck driver, and § 87(2)(b) his assistant, noticed a vehicle in need of towing and stopped their tow truck. Without authorization from the NYPD, § 87(2)(b) offered his services to § 87(2)(b) who had been in a car accident earlier that day. Officer Salahadine Mitchell and Officer Cameron Foster from the 44<sup>th</sup> precinct soon arrived at the scene. PO Mitchell spoke with § 87(2)(b) and § 87(2)(b) PO Mitchell requested § 87(2)(b)'s ID. When § 87(2)(b) asked PO Mitchell why he had to give him ID, PO Mitchell allegedly responded, "You know why I am fucking asking. All you fucking tow truck drivers are the same, all act dumb when you need to show ID." (**Allegation A**) PO Mitchell and § 87(2)(b) then walked to § 87(2)(b)'s tow truck, in which § 87(2)(b) was sitting. PO Mitchell allegedly said to § 87(2)(b) "Let me get your ID too, and get the fuck out of the truck." (**Allegation B**) § 87(2)(b) asked PO Mitchell why he had to show ID, and PO Mitchell allegedly told him, "Shut the fuck up, you'll find out in the precinct." (**Allegation C**) At the scene of the arrest, PO Mitchell also allegedly told § 87(2)(b) and § 87(2)(b) that if he saw any tow truck drivers in the area, "whether you're cleaning your truck or with your family," those drivers were going to jail (**Allegation D, E**) (Board Review 01 – § 87(2)(b)'s CCRB Statement, Board Review 23 – § 87(2)(b)'s Phone Statement).

§ 87(2)(b) and § 87(2)(b) were arrested and placed in a police car. In the police car, PO Mitchell allegedly told § 87(2)(b) that he was "taking his fucking truck, like I took the last two trucks." (**Allegation F**) § 87(2)(b) and § 87(2)(b) continued to ask PO Mitchell was they were being arrested. PO Mitchell allegedly kept responding to both men, "You fucking know why," and at one point said, "Why don't you ask him, he fucking knows why," referencing § 87(2)(b) (**Allegation G, H**). Before arriving at the 44<sup>th</sup> precinct stationhouse, PO Mitchell allegedly told § 87(2)(b) "Calm your ass down. I'm not putting you through the system. You're going to get a whole bunch of tickets, and I'll let you go." (**Allegation I**) (Board Review 01 – § 87(2)(b)'s CCRB Statement)

§ 87(2)(b) and § 87(2)(b) were then brought into the stationhouse. Lieutenant Paul Gaglio of the 44<sup>th</sup> precinct claimed to recognize § 87(2)(b) and allegedly said to him, "You fucking remember me." (**Allegation J**) § 87(2)(b) and § 87(2)(b) were then placed in the holding cells in the stationhouse. When § 87(2)(b) was released, he asked PO Mitchell for a voucher for his truck, and was informed that his truck was being held as investigatory evidence and that his tow truck license was being revoked. PO Mitchell allegedly said to him, "Be glad you got a fucking DAT and that I didn't put you through the system." (**Allegation K**) (Board Review 01 – § 87(2)(b)'s CCRB Statement, Board Review 23 – § 87(2)(b)'s Phone Statement)

Video footage was obtained from the Community Financial Service Center located at 84 161<sup>st</sup> Street.

## Mediation, Civil and Criminal Histories

- Mediation was offered and explained to § 87(2)(b) on June 23<sup>rd</sup>, 2016. On June 26<sup>th</sup>, 2016, § 87(2)(b) rejected mediation.

- As of September 28th, 2016, no notice of claim has been filed by § 87(2)(b) or § 87(2)(b) (Board Review 02 – FOIL Request).
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b) has no previous criminal convictions (Board Review 28 – § 87(2)(b) s OCA Documents)

### **Civilian and Officer CCRB Histories**

- § 87(2)(b)
- § 87(2)(b) has no previously filed complaints with the CCRB (Board Review 25 – § 87(2)(b) s CCRB History)
- PO Mitchell has been a member of the service for 18 years. As of September 29th, 2016, he has had 9 other complaints filed against him, two of which are still waiting a board disposition. Six discourtesy allegations have been made against him. All involved traffic enforcement. In 2000, a discourtesy allegation was found unsubstantiated in which PO Mitchell told a complainant to “move his fucking cab,” and called him a fucking jerk and a fucking foreigner, among other things. In 2005, a discourtesy allegation in which PO Mitchell called someone a motherfucker as they were retrieving their registration was also found unsubstantiated. In 2006, a discourtesy allegation in which PO Mitchell told someone that he “(gave) a fuck” when they asked to not receive a ticket was also unsubstantiated. In 2015, a discourtesy allegation in which PO Mitchell told someone, “Move your fucking car,” and, “I don’t give a fuck if your son has autism,” was truncated as complainant uncooperative. Two cases awaiting a board disposition also include discourtesy allegations. This year, in March, two discourtesy allegations were plead against PO Mitchell, one because he told someone, “Give me your fucking ID,” and the second because he threw that person’s ID and summons at them. These allegations were closed as complainant uncooperative. A final discourtesy allegation was pled against PO Mitchell in August by § 87(2)(b) who alleged that PO Mitchell told § 87(2)(b) to “get the fuck back” because he was going to tow § 87(2)(b) s truck. This allegation was closed as complainant uncooperative (Board Review 05 – PO Mitchell’s CCRB History).
- Lieutenant Gaglio has been a member of the service for 24 years. As of September 29th, 2016, he has had 9 other complaints filed against him. One force allegation (chokehold) was substantiated with a recommendation of charges in 2015. The case is currently with APU. Lieutenant Gaglio has had two discourtesy allegations pled against him. A discourtesy allegation in which Lieutenant Gaglio was cut off while driving and asked the driver if he had “a fucking problem” was mediated in 1997. In 2009, a discourtesy allegation following a

physical confrontation involving Lieutenant Gaglio was found unsubstantiated (Board Review 29 – Lieutenant Gaglio’s CCRB History).

### **Potential Issues**

- § 87(2)(b) provided a phone statement, but stopped responding to contact attempts after a missed appointment.

### **Allegations Not Pled**

- § 87(2)(b) made an allegation on behalf of § 87(2)(b) that at the 44<sup>th</sup> Precinct stationhouse, Lieutenant Gaglio told § 87(2)(b) that he would “make sure (his) ass went through the system.” (Board Review 23 – § 87(2)(b)’s Phone Statement) Because § 87(2)(b) did not make this allegation himself, it has not been pled.

### **Findings and Recommendations**

#### **Allegation A: Discourtesy - Word: At 161<sup>st</sup> Street and Gerard Avenue, Police Officer Salahadine Mitchell spoke discourteously to § 87(2)(b)**

It is undisputed that § 87(2)(b) was present with a tow truck near a damaged vehicle without being called by the NYPD when PO Mitchell stopped § 87(2)(b). Whether PO Mitchell recognized § 87(2)(b) and spoke discourteously to him is in question.

§ 87(2)(b) stated that he arrived at the scene in his tow truck at about 6 PM. He had picked § 87(2)(b) up from § 87(2)(b)’s home and was giving him a lift when he happened to come across a damaged vehicle. § 87(2)(b) parked his truck and § 87(2)(b) entered the driver’s seat. § 87(2)(b) spoke to the owner of that vehicle, later found by the investigation to be § 87(2)(b). She told § 87(2)(b) that the police had already filled out a report – § 87(2)(b) stated that, once police complete an accident report, it is legal for tow truck drivers to solicit work even if they have not been called to the scene by the police department.

As § 87(2)(b) and § 87(2)(b) were speaking, PO Mitchell and PO Foster arrived. PO Mitchell first spoke with § 87(2)(b). After she stated that she had been in an accident, § 87(2)(b) claimed that PO Mitchell recognized him and told him, “You know you are not supposed to be here.” Two weeks earlier, the two had interacted at the 44<sup>th</sup> Precinct, when § 87(2)(b) was brought in on an unrelated arrest.

PO Mitchell requested § 87(2)(b)’s ID. When § 87(2)(b) asked why he needed to provide his ID, PO Mitchell replied, “You know why I am fucking asking, all you tow truck drivers are the same, all act dumb when you get asked for ID.” (Board Review 01 – § 87(2)(b)’s CCRB Statement)

§ 87(2)(b) stated before this incident he had been at his girlfriend’s house on § 87(2)(b). § 87(2)(b) his friend and coworker, came by in order to give § 87(2)(b) a lift to his mother’s house. As they were driving there, the men noticed § 87(2)(b) and her damaged

vehicle. § 87(2)(b) stated that the men were not looking for cars to tow, but stopped to see if § 87(2)(b) was alright. § 87(2)(b) waited in the tow truck as § 87(2)(b) spoke with her. At this point, he had not noticed that police had arrived (Board Review 23 – § 87(2)(b)'s Phone Statement).

§ 87(2)(b) provided a phone statement on September 15<sup>th</sup>, 2016. She did not corroborate the allegations against PO Mitchell. § 87(2)(b) stated that after her accident, a pair of officers helped her fill out an accident report (Board Review 6 – Accident Report). When they left, she was approached by § 87(2)(b). She described him as persistent but personable. She was prepared to have § 87(2)(b) tow her car when PO Mitchell and PO Foster arrived. PO Mitchell began questioning § 87(2)(b) and seemed uninterested in speaking to her. She could not remember what they spoke about, but she was within earshot and heard their conversation. She did not remember if PO Mitchell recognized § 87(2)(b) or if PO Mitchell told § 87(2)(b) that he should not be there. The officer told the man to get his ID, but did not recall if § 87(2)(b) asked why he had to.

§ 87(2)(b) stated that she did not hear PO Mitchell curse at the men, and stated that if she had heard PO Mitchell curse she believed she would remember it. She did, however, describe PO Mitchell as “abrasive” in his tone and demeanor. She also stated that “given recent events” she became apprehensive for the men’s safety as the officers interacted with them. After § 87(2)(b) and § 87(2)(b) were arrested, PO Foster approached § 87(2)(b) and told her that certain tow truck drivers and auto body shops were engaged in predatory, unfair practices. § 87(2)(b) thanked the officers for preventing her from using § 87(2)(b)'s services (Board Review 25 – § 87(2)(b)'s Phone Statement).

PO Mitchell stated that he first spoke with § 87(2)(b) when he arrived at the scene. She told him she had been in an accident. He then asked § 87(2)(b) if the tow truck was his and if he was the driver of the tow truck. § 87(2)(b) confirmed both points, and PO Mitchell requested his documentation. PO Mitchell did not recall § 87(2)(b) protesting or asking why he had to provide ID. PO Mitchell denied that he recognized or cursed at § 87(2)(b).

PO Mitchell also stated that unauthorized towings are a common problem in the 44<sup>th</sup> Precinct. Tow truck drivers are not allowed to solicit business themselves or to speak to victims of accidents. PO Mitchell often issues summonses to tow truck drivers who break this rule (Board Review 07 – PO Mitchell’s CCRB Statement).

PO Foster could recall very little of this incident. He did not interact with the § 87(2)(b) or § 87(2)(b). PO Foster did overhear § 87(2)(b) tell PO Mitchell that the men were offering her their services. He could not recall the content or the tone of the conversation between § 87(2)(b) and PO Mitchell. He did not recall if PO Mitchell recognized or cursed at either of the men (Board Review 08 – PO Foster’s CCRB Statement).

Video footage acquired from a Community Financial Service Center is attached below. The first shows a white sedan driving onto 161<sup>st</sup> Street, stopping, and pulling up onto the far side of the street at time stamp 4:55 PM (Board Review 11 – White Sedan Arrives). Video 2 shows § 87(2)(b)'s truck arriving at 5:15 PM and video 3 shows his truck departing at 5:29 PM (Board Review 12 – Tow Truck First Arrival, Board Review 21 – Tow Truck First Departure). Video 4

shows, at 5:31 PM, the white sedan moving from the far side of the street to the closer side (Board Review 13 – White Sedan Moves). Video 5 shows one person in blue shirt, § 87(2)(b) and two people in what appear to be police uniforms by the white sedan. The officers leave at 5:49:20 PM, and § 87(2)(b) approaches at 5:50:10 PM (Board Review 20 - Cops Leave, § 87(2)(b) Approaches). Video 6 shows § 87(2)(b)'s truck arriving at 5:50:40 PM (Board Review 22 – Tow Truck Second Arrival). At about 6:12 PM, video 7 shows PO Mitchell and PO Foster arriving and speaking to § 87(2)(b) and a third person standing with them. All parties are standing close together (Board Review 14 – PO Mitchell and PO Foster Arrive).

Video 1:



201604969\_20160629\_1009\_DM.mp4

Video 2:



201604969\_20160629\_1038A\_DM.mp4

Video 3:



201604969\_20160629\_1040\_DM.mp4

Video 4:



201604969\_20160629\_1009\_DM.mp4

Video 5:



201604969\_20160629\_1038\_DM.mp4

Video 6:



201604969\_20160629\_1044\_DM.mp4

Video 7:



201604969\_20160929\_1046\_DM.mp4

Patrol Guide procedure 203-9 instructs all officers to treat civilians courteously and respectfully (Board Review 18 – Patrol Guide procedure 203-09). Administrative Code § 20-515 (b) prohibits the solicitation of towing services for any vehicle involved in an accident at the scene of an accident except when authorized (Board Review 19 – Administrative Code § 20-515).

§ 87(2)(b), § 87(2)(g)  
[Redacted text block]

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

**Allegation B: Discourtesy - Word: At 161<sup>st</sup> Street and Gerard Avenue, Police Officer Salahadine Mitchell spoke discourteously to § 87(2)(b)**

**Allegation C: Discourtesy - Word: At 161<sup>st</sup> Street and Gerard Avenue, Police Officer Salahadine Mitchell spoke discourteously to § 87(2)(b)**

**Allegation D: Abuse of Authority – Threat of Arrest: At 161<sup>st</sup> Street and Gerard Avenue, Police Officer Salahadine Mitchell threatened to arrest § 87(2)(b)**

**Allegation E: Abuse of Authority – Threat of Arrest: At 161<sup>st</sup> Street and Gerard Avenue, Police Officer Salahadine Mitchell threatened to arrest § 87(2)(b)**

It is undisputed that PO Mitchell requested the IDs of § 87(2)(b) and § 87(2)(b). The content of the conversation between PO Mitchell and the two men is in dispute.

§ 87(2)(b) stated that his ID was in his tow truck. He and PO Mitchell walked from § 87(2)(b)'s vehicle to his truck. § 87(2)(b) sitting in the driver's seat of the truck, handed § 87(2)(b)'s wallet to him. PO Mitchell asked § 87(2)(b) what he was doing in the truck, and § 87(2)(b) told him that he was just sitting in the driver's seat. PO Mitchell requested § 87(2)(b)'s ID and told him to "get the fuck out of the truck."

§ 87(2)(b) provided his driver's license and his tow truck operator license. § 87(2)(b) only provided a driver's license. PO Mitchell asked why § 87(2)(b) did not have a tow truck operator license, and both men explained that § 87(2)(b) was § 87(2)(b)'s assistant. PO Mitchell told both men that they "should not be here." § 87(2)(b) tried to explain to PO Mitchell that police and EMS had already come to the scene. PO Mitchell did not respond. PO Mitchell left the men by the tow truck and spoke with § 87(2)(b). He then returned to the tow truck and ordered the men to turn around. PO Foster handcuffed § 87(2)(b) and PO Mitchell handcuffed § 87(2)(b). Both men asked the officers why they were being arrested but received no response (Board Review 01 – § 87(2)(b)'s CCRB Statement).



§ 87(2)(b) was waiting for § 87(2)(b) when the police first arrived. He first noticed the officers when he saw in the truck's mirror that PO Mitchell and § 87(2)(b) were approaching the truck. PO Mitchell requested both men's IDs. § 87(2)(b) asked him why he had to provide his ID. PO Mitchell responded to § 87(2)(b) "Shut the fuck up, you'll find out in the precinct." He further stated that if he saw any tow truck drivers in his area, "whether you're cleaning your truck or with your family," those drivers were going to jail (Board Review 23 – § 87(2)(b)'s Phone Statement).

§ 87(2)(b) stated that she remained near her vehicle as § 87(2)(b) and PO Mitchell walked to § 87(2)(b)'s truck. The vehicles were about three car lengths away, and she was not within earshot of any conversation that took place by the tow truck. At one point, § 87(2)(b) approached the tow truck and asked PO Mitchell if he was there for her accident. He told her to wait by her car and to get her ID. She did not hear PO Mitchell use any curse words while she was near the tow truck (Board Review 25 – § 87(2)(b)'s Phone Statement).

PO Mitchell stated that § 87(2)(b) had his documentation on him, and that § 87(2)(b) gave him these documents before going to the tow truck. Once PO Mitchell took § 87(2)(b)'s documentation, he approached the tow truck to speak with § 87(2)(b). PO Mitchell asked § 87(2)(b) for his ID and requested that he step out of the vehicle. § 87(2)(b) complied, and no other conversation took place. At some point within a ten minute time span, PO Foster and § 87(2)(b) also came to the side of the tow truck. § 87(2)(b) and § 87(2)(b) were then arrested. PO Mitchell stated that it was a "possibility" that the men asked him questions, but could not recall any specific questions. PO Mitchell denied cursing at the men as he was arresting them and denied that he discussed arresting § 87(2)(b) or § 87(2)(b) in the future (Board Review 07 – PO Mitchell's CCRB Statement).

As before, PO Foster did not recall if PO Mitchell cursed at § 87(2)(b) or if PO Mitchell threatened to arrest § 87(2)(b) and § 87(2)(b) if he saw them again (Board Review 08 – PO Foster's CCRB Statement).

The video footage is attached below. Video 8 shows § 87(2)(b) and PO Mitchell approach the driver's side door of the tow truck together. PO Foster and § 87(2)(b) approach the back of the truck. PO Mitchell walks back to PO Foster and § 87(2)(b) and they briefly speak (Board Review 15 – Conversation by Tow Truck). Two minutes later, video 9 shows the officers placing the men against the side of the truck, handcuffing them and searching them (Board Review 16 – § 87(2)(b) and § 87(2)(b) Arrested). Video 10 shows, at 6:25 PM, PO Foster entering the truck. Both vehicles leave the scene shortly thereafter (Board Review 17 – Tow Truck and RMP Leave).

Video 8:



201604969\_20160629\_1049\_DM.mp4

Video 9:



201604969\_20160629\_1051\_DM.mp4

Video 10:



201604969\_20160629\_1054\_DM.mp4

Patrol Guide procedure 203-09 instructs all officers to treat civilians courteously and respectfully (Board Review 18 – Patrol Guide procedure 203-09). Patrol Guide procedure 208-01 states that an arrest can only be conducted without a warrant when an officer has probable cause to believe that an individual committed an offense (Board Review 26 - Patrol Guide procedure 208-01).

§ 87(2)(b), § 87(2)(g)  
[Redacted text block]

§ 87(2)(b), § 87(2)(g)  
[Redacted text block]

§ 87(2)(b), § 87(2)(g)  
[Redacted text block]

§ 87(2)(b), § 87(2)(g)  
[Redacted text block]

**Allegation F: Discourtesy - Word: En route to the 44<sup>th</sup> Precinct stationhouse, Police Officer Salahadine Mitchell spoke discourteously to § 87(2)(b)**

**Allegation G: Discourtesy - Word: En route to the 44<sup>th</sup> Precinct stationhouse, Police Officer Salahadine Mitchell spoke discourteously to § 87(2)(b)**

**Allegation H: Discourtesy - Word: En route to the 44<sup>th</sup> Precinct stationhouse, Police Officer Salahadine Mitchell spoke discourteously to § 87(2)(b)**

**Allegation I: Discourtesy - Word: En route to the 44<sup>th</sup> Precinct stationhouse, Police Officer Salahadine Mitchell spoke discourteously to § 87(2)(b)**

§ 87(2)(b) stated that once he and § 87(2)(b) were arrested, § 87(2)(b) and § 87(2)(b) were placed in the rear seat of a police car. § 87(2)(b) asked PO Mitchell if he could call someone to pick up his truck. PO Mitchell responded that he was “taking his fucking truck, like he took the last two trucks.” PO Foster entered the tow truck, and both vehicles left the scene.

As PO Mitchell was driving, both men continuously asked him why they were being arrested. PO Mitchell continuously responded, “You fucking know why.” At one point, PO Mitchell said in response to § 87(2)(b) “Why don’t you fucking ask him, he fucking knows why,” referencing § 87(2)(b).

§ 87(2)(b) also stated that before arriving at the precinct, PO Mitchell told § 87(2)(b) “Calm your ass down. I’m not putting you through the system. You’re going to get a whole bunch of tickets, and I’ll let you go” (Board Review 01 – § 87(2)(b)’s CCRB Statement).

In his phone statement, § 87(2)(b) did not mention any conversation with PO Mitchell during the ride to the stationhouse (Board Review 23 – § 87(2)(b)’s Phone Statement).

PO Mitchell brought § 87(2)(b) and § 87(2)(b) back to the stationhouse in order to issue summonses to them. He stated that the men were “not quiet” as he drove them to the precinct, but could not describe what they said or their demeanors as they said it. PO Mitchell did not respond to the men, and he denied that he cursed at them (Board Review 07 – PO Mitchell’s CCRB Statement).

Patrol Guide procedure 203-09 instructs all officers to treat civilians courteously and respectfully (Board Review 18 – Patrol Guide procedure 203-09).

§ 87(2)(b), § 87(2)(g)  
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**Allegation J: Discourtesy - Word: At the 44<sup>th</sup> Precinct stationhouse, Lieutenant Paul Gaglio spoke discourteously to § 87(2)(b)**

§ 87(2)(b) stated that once he, PO Mitchell, and § 87(2)(b) entered the stationhouse, he and § 87(2)(b) sat down on a bench. An officer in a plaid t-shirt was standing behind the desk, later identified by the investigation as Lieutenant Paul Gaglio. Soon after they sat down, Lieutenant Gaglio told § 87(2)(b) that he recognized him and that § 87(2)(b) had given him “lip on Carter Avenue.” § 87(2)(b) did not recognize him or know who he was. § 87(2)(b) told Lieutenant Gaglio that he did not recognize him, and Lieutenant Gaglio responded, “You fucking remember me. I was in my white shirt.” Lieutenant Gaglio asked PO Mitchell if § 87(2)(b) was a tow truck driver, which PO Mitchell confirmed. Lieutenant Gaglio said to PO Mitchell, “I don’t

care what he did, what the charges are, put him through the system.” § 87(2)(b) told Lieutenant Gaglio that this “sounds personal,” and Lieutenant Gaglio responded that it was.

As § 87(2)(b) was being processed by PO Mitchell, he asked PO Mitchell if he was going to put him through the system. PO Mitchell responded, “That’s what he wants, I can’t do nothing about it, that’s my boss.” Later, § 87(2)(b) heard PO Foster refer to Lieutenant Gaglio as “Lieutenant” (Board Review 01 – § 87(2)(b)’s CCRB Statement).

§ 87(2)(b) also stated that a supervisor spoke to § 87(2)(b) at the stationhouse. § 87(2)(b) did not provide as much detail as § 87(2)(b) but did mention that the supervisor told § 87(2)(b) about he would make sure § 87(2)(b) went through the system. § 87(2)(b) stated that this man was wearing a white shirt (Board Review 23 – § 87(2)(b)’s Phone Statement).

Lieutenant Gaglio had been vouchering property when he left his office and walked to the front desk. There, he saw PO Mitchell with § 87(2)(b) and other people who had been arrested standing by the front desk. Lieutenant Gaglio recognized § 87(2)(b) from a previous interaction. Three weeks before, he had been conducting an operation in which the police department was towing cars that were illegally parked or that did not have license plates from outside auto body shops. He was standing on the corner of 173<sup>rd</sup> Street and Carter Avenue when a tow truck drove by. When it was about 40 feet away, § 87(2)(b) stuck his head out of the rear window of the truck and yelled, “Fuck the police, fuck you mother fuckers, you’re all fucking assholes, you’ll never fucking catch me.”

Lieutenant Gaglio recognized § 87(2)(b) immediately. When § 87(2)(b) saw Lieutenant Gaglio, § 87(2)(b) looked at the ground in a way that appeared “busted,” indicating that § 87(2)(b) Lieutenant Gaglio remembered § 87(2)(b) cursing at him on Carter Avenue. Lieutenant Gaglio asked § 87(2)(b) if remembered seeing him a couple of weeks ago, and § 87(2)(b) responded that he did not. Lieutenant Gaglio asked § 87(2)(b) “Do you remember a couple of weeks ago, possibly saying, fuck the police, fuck you mother fuckers, you’re all fucking assholes, you’ll never fucking catch me?” § 87(2)(b) again responded that he did not remember. Lieutenant Gaglio denied that he responded to § 87(2)(b) by telling § 87(2)(b) that he “fucking remembered (him).”

Lieutenant Gaglio told PO Mitchell about his previous interaction with § 87(2)(b). PO Mitchell told Lieutenant Gaglio that PO Mitchell was what Lieutenant Gaglio called a “gypsy tow truck driver.” These are drivers that keep police scanners in their trucks so that they can respond to accidents without receiving authorization from the police. Lieutenant Gaglio asked PO Mitchell to put the men through the system. He stated that it is his policy that these drivers should not just be given summonses, but ought to go to Central Bookings.

Lieutenant Gaglio added that as he left the stationhouse later that night, § 87(2)(b) called him over to his holding cell. § 87(2)(b) apologized for the misunderstanding and maintained that Lieutenant Gaglio had mistaken him for someone else. Lieutenant Gaglio told him it was alright and left the stationhouse (Board Review 27 - Lieutenant Gaglio’s CCRB Statement).

PO Mitchell stated that he did not see or hear a supervisor or lieutenant speak with the men while he was with them at the stationhouse. He denied that anyone at the stationhouse recognized § 87(2)(b) (Board Review 07 – PO Mitchell’s CCRB Statement).

PO Foster stated that he stayed with the men while they were lodged in a holding cell and that he left the stationhouse at 7:00 PM. He did not know if a supervisor interacted with § 87(2)(b) or § 87(2)(b) (Board Review 08 – PO Foster’s CCRB Statement).

Patrol Guide procedure 203-09 instructs all officers to treat civilians courteously and respectfully (Board Review 18 – Patrol Guide procedure 203-09).

§ 87(2)(b), § 87(2)(g)  
[REDACTED]

§ 87(2)(b), § 87(2)(g)  
[REDACTED]

§ 87(2)(b), § 87(2)(g)  
[REDACTED]

§ 87(2)(b), § 87(2)(g)  
[REDACTED]

**Allegation K: Discourtesy - Word: At the 44<sup>th</sup> precinct stationhouse, Police Officer Salahadine Mitchell spoke discourteously to § 87(2)(b)**

§ 87(2)(b) and § 87(2)(b) were placed in the holding cells at the stationhouse at about 7 PM. § 87(2)(b) was released at about 9:30 PM, and § 87(2)(b) at about 11:30 PM (Board Review 09 – Prisoner Holding Pen Roster). § 87(2)(b) was given a summons for being an unlicensed tow truck assistant. § 87(2)(b) was given summonses for soliciting for a tow at an accident, for making an estimate for the cost of the repair to § 87(2)(b)’s car, for travelling with a tow truck to an accident without request by the NYPD, and for having tinted windows on his truck (Board Review 10 – Summonses).

§ 87(2)(b) stated that before he was released, PO Mitchell gave him paperwork to sign. § 87(2)(b) asked PO Mitchell for a voucher for his truck. PO Mitchell did not respond. When § 87(2)(b) was released from the holding cell, he again asked PO Mitchell for a property voucher for his truck. PO Mitchell replied that there was no voucher because his truck had been seized as investigatory evidence. PO Mitchell also told § 87(2)(b) that he was revoking his DCA towing license. When § 87(2)(b) tried to ask him more questions, PO Mitchell told him, “Be glad you got a fucking DAT and that I didn’t put you through the system” (Board Review 01 – § 87(2)(b) s CCRB Statement).

PO Mitchell stated that it was possible that § 87(2)(b) asked him questions while he was in the holding cell, but he could not recall anything about those questions. PO Mitchell stated that he did send § 87(2)(b) s tow truck license to the Department of Consumer Affairs along with a tow truck driver violation form. PO Mitchell stated that § 87(2)(b) s truck was placed under investigatory evidence due to finding brass knuckles within the vehicle. PO Mitchell denied that he cursed at § 87(2)(b) at the stationhouse (Board Review 07 – PO Mitchell’s CCRB Statement, Board Review 30 – Property Clerk Invoice).

Patrol Guide procedure 203-09 instructs all officers to treat civilians courteously and respectfully (Board Review 18 – Patrol Guide procedure 203-09).

§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g).

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Squad:

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date